



SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent to Seek Extension of Approval of Collection: Statutory Authority to Preserve Rail Service

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the existing collection, Preservation of Rail Service, OMB Control No. 2140-0022, as described below.

DATES: Comments on this information collection should be submitted by March 9, 2023.

ADDRESSES: Written comments should be identified as “Paperwork Reduction Act Comments, Surface Transportation Board, Statutory Authority to Preserve Rail Service.”

Written comments for the proposed information collection should be submitted via www.reginfo.gov/public/do/PRAMain. This information collection can be accessed by selecting “Currently under Review - Open for Public Comments” or by using the search function. As an alternative, written comments may be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Michael J. McManus, Surface Transportation Board Desk Officer: via email at oira_submission@omb.eop.gov; by fax at (202) 395-1743; or by mail to Room 10235, 725 17th Street, N.W., Washington, DC 20503.

Please also direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, or to PRA@stb.gov. When submitting comments, please refer to “Statutory Authority to Preserve Rail Service.” For further information regarding this collection, contact Mike Higgins at (866) 254-1792 (toll-free) or 202-

245-0238, or by emailing rcpa@stb.gov. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Board previously published a notice about this collection in the Federal Register (87 FR 69074 (Nov. 17, 2022)). That notice allowed for a 60-day public review and comment period. No comments were received.

Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. Submitted comments will be included and summarized in the Board's request for OMB approval.

SUBJECT: In this notice, the Board is requesting comments on the extension of the following information collection:

Description of Collection

Title: Preservation of Rail Service

OMB Control Number: 2140-0022

STB Form Number: None

Type of Review: Extension without change

Respondents: Affected shippers, communities, or other interested persons seeking to preserve rail service over rail lines that are proposed or identified for abandonment, and railroads that are required to provide information to the offeror or applicant: Approximately 15

Frequency: On occasion, as follows:

Table – Number of Yearly Responses.

Type of Filing	Estimated annual average number of
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	filings (2019-2022)
Offer of Financial Assistance (and related filings)	1
Request for Public Use Condition	1
Feeder Line Application	1
Trail Use Request (with extensions)	13

Total Burden Hours (annually including all respondents): 185 hours (total of estimated hours per response X number of responses for each type of filing).

Table – Estimated Total Burden Hours

Type of filing	Estimated annual average number of filings (2019-2021)	Number of hours per response	Total estimated burden hours
Offer of Financial Assistance (and related filings)	1	46 hours	46 hours
Request for Public Use Condition	1	4 hours	4 hours
Feeder Line Application	1	70 hours	70 hours
Trail Use Request (with extensions)	13	5 hours	65 hours
Total burden hours			185 hours

Total “Non-hour Burden” Cost: While the collections are submitted electronically to the Board, respondents are sometimes required to send consultation letters to various other governmental agencies. Copies of these letters are part of an environmental and historic report that must be filed with this collection (unless waived by the Board). Because some of these other agencies may require hard copy letters, there may be some limited mailing costs, which staff estimates in total to be approximately \$1,800.00.

Needs and Uses: The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier freight railroads and certain other carriers operating in the United States. Under the laws the Board administers, persons seeking to preserve rail service may file

pleadings before the Board to acquire or subsidize a rail line for continued service, or to impose a trail use or public use condition.

When a line is proposed for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail service by filing with the Board: an offer of financial assistance (OFA) to subsidize or purchase a rail line for which a railroad is seeking abandonment (49 U.S.C. 10904), including a request for the Board to set terms and conditions of the financial assistance; a request for a public use condition (§ 10905); or a trail use request (16 U.S.C. 1247(d)). Similarly, when a line is placed on a system diagram map identifying it as an anticipated or potential candidate for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail service by filing with the Board a feeder line application to purchase the identified rail line (§ 10907). Additionally, the railroad owning the rail line subject to abandonment must, in some circumstances, provide information to the applicant or offeror.

As to trail use, the STB will issue a CITU or NITU to a prospective trail sponsor who seeks an interim trail use agreement with the rail carrier of the rail line that is being abandoned. The CITU/NITU permits parties to negotiate for an interim trail use agreement. The parties may also agree to an extension of the negotiating period. If parties reach an agreement, then they must jointly notify the Board of that fact and of any modification or vacancy of the agreement. There is a one-year period for any initial interim trail use negotiating period (with potential extensions).

The Board makes this submission because, under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day

notice and comment period through publication in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: February 2, 2023.

Raina White,

Clearance Clerk.

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